

Message Text

LIMITED OFFICIAL USE

PAGE 01 LAGOS 05621 041609Z
ACTION AF-10

INFO OCT-01 ISO-00 SCS-06 CA-01 L-03 H-01 HA-05 SSO-00
/027 W

-----018854 041619Z /45

O 041535Z MAY 78 ZFF-4
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC NIACT IMMEDIATE 8292

LIMITED OFFICIAL USE LAGOS 5621

AF/W FOR AMBASSADOR EASUM

E.O. 11652: N/-
TAGS: CASC, EFIN, NI (LEFEVRE, LOUIS)
SUBJECT: LEFEVRE CASE

REF: (A) STATE 111916, (B) LAGOS 5274

1. EMBASSY LAWYER PROVIDED FOLLOWING INFORMATION MAY 4 REGARDING QUESTIONS POSED IN REFTEL.
2. ROLE OF MAGISTRATE'S COURT. THIS COURT HANDLES CRIMINAL CASES FOR WHICH PUNISHMENT IS 1,000 NAIRA OR 5 YEARS IN JAIL. MORE SERIOUS CASES GO BEFORE THE GHIGH COURT. IN CIVIL MATTERS, COURT CANNOT ENTERTAIN LAND CASES OR CASES INVOLVING OVER 1,000 NAIRA.
3. THE PRELIMINARY INVESTIGATION MAGISTRATE'S COURT IS CHARGED WITH CARRYING OUT PRELIMINARY INVESTIGATIONS OF ANY KIND OF CASE, INCLUDING MURDER, BEFORE GOING ON TO A HIGHER COURT. IF AT THE CLOSE OF THE INVESTIGATION IN THESE PRELIMINARY INVESTIGATIONS COURTS, THE MAGISTRATE FINDS RILHAT TDE EVIDENCE PRESENTED IS INSUFFICIENT TO WARRANT SENDING CASE FURTHER, HE CAN DECLARE A "NO CASE" AND DISCHARGE THE ACCUSED PERSON. THIS CAN BE DONE ONLY AFTER
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 LAGOS 05621 041609Z

PROSECUTION'S CASE IS COMPLETED.

4. AS FOR CASES INWHICH THE PROSECUTION IS UNABLE TO PRESENT WITNESSES OR SUFFICIENT EVIDENCE TO SUPPORT CHARGE WITHIN A REASONABLE TIME, OR CASES WITHOUT REASON FOR FURTHER ADJOURNMENT, THE MAGISTRATE IN HIS DISCRETION CAN "STRIKE OUT" THE CHARGE "FOR WANT OF DILIGENT PROSECUTION."

IN SUCH CASES, HOWEVER, THE ACCUSED CAN BE REARRESTED IMMEDIATELY OR AT ANY TIME FOR FURTHER ACTION.

5. IF A CASE IS NOT DISMISSED BY THE PRELIMINARY INVESTIGATION MAGISTRATE'S COURT AND MATERIAL IS FOUND SUFFICIENT FOR FURTHER PROSECUTION, IT WILL BE SENT TO THE COURT APPROPRIATE TO THE NATURE OF THE CHARGE AND PUNISHMENT.

6. IF THE ATTORNEY GENERAL REVIEWS THE CASE AND ORDERS IT BROUGHT TO TRIAL, IT MAY TAKE PLACE IN ANY COURT HE CHOOSES: THE PRELIMINARY INVESTIGATION MAGISTRATE'S COURT, REGULAR MAGISTRATE'S COURT, OR THE HIGH COURT.

7. INSPECTOR GENERAL YUSUF HAS THE AUTHORITY TO WITHDRAW THE CHARGE AT ANY TIME BEFORE THE PROSECUTION'S CASE HAS BEEN COMPLETED. (NOTE: LEFVRE'S CASE IS IN THIS CATEGORY.) HOWEVER, IF POLICE WITHDRAW CHARGE, ACCUSED CAN BE REARRESTED AT ANYTIME AGAIN.

8. THE ATTORNEY GENERAL, WORKING THROUGH THE DIRECTOR OF PUBLIC PROSECUTION, DOES HAVE THE AUTHORITY TO DISMISS ANY CASE. THE DIRECTOR OF PUBLIC PROSECUTION UPON THE DIRECTION OF THE ATTORNEY GENERAL CAN ENTER A "NOLLE PROSEQUI" AND DIRECT WITHDRAWAL OF ANY CRIMINAL MATTER BEFORE ANY COURT, INCLUDING THE HIGH COURT. ONCE DONE, NO PERSON LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 LAGOS 05621 041609Z

HASPOWER TO CONTINUE PROSECUTION OF CASE.

9. THE CHIEF JUSTICE CANNOT EXERCISE JUDICIAL FUNCTION UNLESS HE SITS ON CASE. ANY APPEAL TO CHIEF JUSTICE MUST BE BASED ON INADEQUACY OF MAGISTRATE OR IMPROPER NATURE OF COURT ACTION. ACCORDING TO NIGERIAN LAW, CHIEF JUSTICE CANNOT FORCE MAGISTRATE TO MOVE CASE MORE QUICKLY, BUT HE CAN PERSUADE HIM.

10 WE BELIEVE, AND WILL VERIFY ASAP, THAT LEFEVRE'S CASE IS NOW IN A PRELIMINARY INVESTIGATION MAGISTRATE'S COURT RATHER THAN A MAGISTRATE'S COURT.

11. EMBASSY OFFICER WILL ENDEAVOR SEE INSPECTOR GENERAL YW UF THIS WEEKEND TO MAKE REPRESENTATIONS ALONG LINES PARA 5 OF REFTEL B, AND MAKE POINT CONTAINED IN PARA 7 ABOVE.
WYMAN

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRADE COMPLAINTS, INVESTIGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 may 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978LAGOS05621
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780190-1163
Format: TEL
From: LAGOS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780594/aaaadcab.tel
Line Count: 112
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f5e998a4-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 STATE 111916, 78 LAGOS 5274
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2795051
Secure: OPEN
Status: NATIVE
Subject: LEFEVRE CASE
TAGS: CASC, EFIN, NI, (LEFEVRE, LOUIS)
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/f5e998a4-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014